

Notice of Allowability

Application No.

09/744,469

Examiner

Chih-Min Kam

Applicant(s)

KOUZARIDES, TONY

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/2/03.
2. ☒ The allowed claim(s) is/are 2,4-6,10 and 24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1203</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Christopher S. F. Low
CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
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An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary Wilson on December 18, 2003.

Examiner's Amendments to the Specification:

1. Please add the following paragraph at page 1 after the title:

This application is a 371 of PCT/GB99/02731, filed August 20, 1999, which claims the priority of United Kingdom Application No. 9818356.9, filed August 21, 1998.

2. Please add the Abstract on a separate sheet.

Abstract

CBP histone acetyltransferase acetylates Importin α , affecting ability of Importin α to translocate into the nucleus and import a cargo protein. Assays identify substances which modulate interaction between CBP and Importin α and acetylation of Importin α by CBP. Substances identified in the assays are useful for treatment of disorders in which Importin α plays a role.

Examiner's Amendments to the Claims:

Please cancel claims 1 and 12-18.

Claims 4, 10 and 24 have been amended as follows:

4. (Currently amended) An assay method for identifying an inhibitory modulator of CBP (cAMP-response element binding protein) and Importin α binding, the method comprising:

(a) contacting [a] CBP [polypeptide], [an] Importin α [polypeptide] and a test compound;

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(b) determining the CBP [polypeptide] and Importin α [polypeptide] binding by comparison to CBP [polypeptide] and Importin α [polypeptide] binding in the absence of said test compound;

wherein inhibition of CBP [polypeptide] and Importin α [polypeptide] binding identifies said test compound as an inhibitory modulator of CBP and Importin α binding.

10. (Currently amended) The method according to claim 2, claim 4, claim 5 or claim [9] 24 further comprising formulating said agent into a composition comprising a pharmaceutically acceptable excipient.

24. (Currently amended) An assay method for identifying an agent which binds to a region of CBP (cAMP-response element binding protein) or a region of Importin α , wherein the region of CBP binds to the region of Importin α , where acetylation of Importin α occurs, an agent which binds to said region of CBP or said region of Importin α being an inhibitory modulator of CBP and Importin α binding, the method comprising:

(a) contacting CBP [or a CBP peptide comprising residues 1078 to 1785 of CBP] or Importin α [or an Importin α peptide comprising residues 1 to 95 of Importin α] and a test compound;

(b) determining the binding between the CBP[,CBP peptide, Importin α] or Importin α [peptide] and the test compound[,];

(c) contacting CBP, Importin α and [a] the test compound determined in step (b) [to bind the CBP, CBP peptide, Importin α or Importin α peptide]; and

(d) determining the CBP and Importin α binding in the presence and absence of said test compound determined in step (b) [to bind the CBP, CBP peptide, Importin α or Importin α peptide];

wherein inhibition of CBP and Importin α binding identifies said test compound determined in step (b) [to bind the CBP, CBP peptide, Importin α or Importin α peptide] as an inhibitory modulator of CBP and Importin α binding.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (703) 308-9437. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-4227 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Chih-Min Kam, Ph. D. *CMK*
Patent Examiner

December 18, 2003

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